

## **LCO Criminal AI Lifecycle Project**

## **Advisory Committee**

## **Terms of Reference**

March 2022

# Project

## Project Description and Objectives

The LCO’s Criminal AI Lifecycle project is an independent, collaborative, forward-looking, and practical analysis of legal issues and choices arising when AI, algorithms and related technologies are used in Canada’s criminal justice system.

The LCO’s project will provide an integrated perspective on the potential use of AI and algorithms across each stage in a criminal proceeding, including:

* Police investigations and community diversion
* Crown charges
* Risk assessment and bail
* Pre-Trial, Trial, and Sentencing
* Appeal
* Systemic Oversight Mechanisms

##### The LCO’s objective is to identify important choices about legal, policy and practical reforms that Canadian policymakers and justice stakeholders should consider before these technologies are widely adopted in this country.

## Project Components

The project will include research, consultations, and extensive engagement with the many stakeholders and public interested in this issue in Ontario.

The project anticipates commissioning one or more background papers; organizing public forums, events or workshops; and informal consultations with a broad range of stakeholders to seek comments and advice on relevant issues.

The project will produce one or more LCO reports, background materials and resources, and publicly accessible educational materials.

The LCO will develop a dedicated webpage to support the project.

## Project Responsibility and Approvals

All reports or recommendations arising from this project will be approved by, and the responsibility of, the LCO.

The opinions or points of view expressed in the LCO’s research, findings, and recommendations will not necessarily represent the views of the project Advisory Committee, the LCO’s funders, the Law Foundation of Ontario, Law Society of Ontario, Osgoode Hall Law School, or the LCO’s supporters.

# Project Lead and LCO Support

Ryan Fritsch, LCO Policy Counsel, is the project lead.

The LCO will act as secretariat and administrator for the Advisory Committee.

The LCO will provide additional support as may be necessary over the course of the project, including student research, financial or administrative support, and support from other LCO counsel.

# Role of the Advisory Committee

The Advisory Committee has an important role. The project will rely on the Advisory Committee to provide thoughtful and expert analysis and recommendations on important AI and criminal justice issues from a “public interest” perspective.

More specifically, the Advisory Committee’s role is to advise the LCO on:

* Identifying the issues to be considered in the project.
* Recommending appropriate engagement strategies.
* Reviewing and commenting upon draft reports and recommendations.
* Providing any further assistance that Advisory Committee members believe would be helpful.

Collectively, the Advisory Committee will have expertise in AI and related technologies, the criminal justice system, research and consultations, access to justice, and law reform. Panel members will be well-respected within the legal profession, academic community, criminal justice system, and the community at large.

# Expectations/Confidentiality

All deliberations of the Advisory Committee will be confidential.

Advisory Committee members are expected to participate in their personal capacity, not as representatives of their organizations. Advisory Committee members may contribute to their organization’s submissions to the LCO’s public consultations.

The LCO expects all Advisory Committee members will be professional and collegial.

# Meetings

The LCO expects Advisory Committee meetings will occur quarterly. As the project progresses, however, meetings may become more frequent (such as when the LCO is drafting reports or recommendations).

Most panel meetings will be held on Zoom or MS Teams. The LCO may organize in person Advisory Committee meetings as the project progresses.

# Funding/Member Expenses

The LCO is funding the project. The LCO may seek additional funding.

Advisory Committee members will not be paid for their time. The LCO will reimburse Advisory Committee members for reasonable expenses in accordance with York University Reimbursement Guidelines.